IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 8792 of 1995

Between:

Smt B. Ankamma w/o ramanaiah, r/o battakanupur village Ogili Mandal Nalgonda dist

..... PETITIONER

AND

1 The Commissioner Of Land Revenue Govt. of A.P, Hyderabad
2 Join Collector, Nellore
3 Sub-Collector, Gudur, Nellore Dist
4 M.R.O, Ogili, Nellore Dist
5 B Sarojanamma W/O Gangaiah, Batlakanpur, Ogili Mandal, Nellore Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly in the nature of writ of mandamus to declare the orders passed by the 2 to 4 respondents made in their d. dis no.4563/93 dt.9/3/94 rc.no.7353/93 dt.23/9/93 and l.per 2110/93 dt. 17/9/93 respectively as illegal, improper arbitrary and opposed to the principles of natural justice after calling for the records.

Counsel for the Petitioner: MR S.VENKATESWARA RAO

Counsel for the Respondents 1 to 4: GP FOR REVENUE

Counsel for 5th respondent: M/s Ch. Anji Reddy and I. Gopala Reddy.

The Court made the following :

ORDER:

The present writ petition has been filed against the orders passed by the 2nd respondent in Dis No. 14563/93 dated 9-3-1994 and RC No. 7353 of 1993 dated 23.9.1993 and L. P No. 2110 of 1993 dated 17.9.1993 respectively as illegal and arbitrary.

The case of the petitioner is that D.K.T. patta was granted in the name of her father-in-law in the year 1969 for a total extent of Ac.3-34 cents of Batla Kanupuru village Ogili Mandal in Nellore District and her father-in-law died in 1983 and thereafter his two sons viz., B. Ramanaiah (husband of the petitioner) and another came into possession of the said land and subsequently the husband of the petitioner i.e. Ramanaiah being addicted to alcohol, sold away the lands to the 5th respondent, and on that the petitioner approached the District Collector, Nellor to restore the said land and assign the same to her so that she and her children would cultivate the said land and the said matter was referred to the Revenue Divisional Officer and Mandal Revenue Officer. But the M.R.O. rejected her application for assigning the said land to her on the ground that the said land was alienated by her husband to the 5th respondent in the year 1983 and that the 5th respondent is also a landless poor lady. The Sub-Collector also without considering the merits of her representation made an endorsement affirming the order of the M. R. O. Thereafter the Joint Collector, under revision, dismissed the matter on untenable grounds. However, the petitioner approached the first respondent with a specific plea but the first respondent not only rejected her request to resume the land and to put her in possession of the said land but also not assigned any other available land and that the authorities failed to follow the relevant provisions under the A.P. Assigned lands

(Prohibition of Transfer) Act, 9/77.

The proceedings of the Joint Collector, Nellore in D. Dis No. 14563/93 dated 9-3-1994 reveals that the 5th respondent herein has occupied and cultivated the land under reference after purchasing it from the legal heirs of the original assignee and that the 5th respondent is also a landless poor having an extent of Ac.0-50 cents of wet land only and that the original assignee and his legal heirs have violated the conditions of the grant by not brining the assigned land into cultivation and hence the land assigned has to be cancelled either for violation of conditions of grant or for alienation of land as per the provisions of Act 9 of 1977. The Joint Collector further observed that the 5th respondent herein who is a landless and poor and belongs to Scheduled Tribe community had cultivated the land by investing the labour and money, and consequently regularized her occupation and confirmed the orders of the Sub-Collector and accordingly dismissed the appeal preferred by the present petitioner.

Therefore, under these circumstances, I see no force in the contention of the petitioner since the authorities have rightly followed the procedure prescribed. Moreover, the question of sale of the assigned land by the husband of the petitioner to the 5th respondent cannot be agitated at this point of time in this writ proceedings. Hence the orders of the Joint Collector needs no interference and accordingly, the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. No costs.

2004. *SMT. T. MEENA KUMARI, J.*

KVSN/MHN

To

1 The Commissioner Of Land Revenue Govt. of A.P, Hyderabad
2 Join Collector, Nellore
3 Sub-Collector, Gudur, Nellore Dist
4 M.R.O, Ogili, Nellore Dist
5 Two C Cs to G.P. for land revenue, High Court buildings, Hyderabad.

6. Two C D copies.